

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop PCT/Missing Requirements  
Commissioner for Patents, P.O. Box 1450  
Alexandria, VA 22313 on the date shown below:

Patent Application  
Docket No. SPO-127

May 9, 2007

David R. Saliwanchik  
David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Hiroshi Tsuboi *et al.*  
Serial No. : 10/578,015  
Conf. No. : 6720  
Filed : May 3, 2006  
For : Plant-Derived Beta3-Adrenergic Receptor Agonist substances and Uses  
Thereof

Mail Stop PCT/MISSING REQUIREMENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

The Applicants have received a Notification of Missing Requirements Under 35 U.S.C. 371 from the United States Designated/Elected Office (DO/EO/US), dated March 9, 2007 for the above-referenced patent application. The Notification requests that the applicants submit an executed Declaration and Power of Attorney form. Attached herewith is a fully executed Declaration and Power of Attorney form.

Please note that the Declaration and Power of Attorney form reflects the title as amended in the Preliminary Amendment dated May 3, 2006.

Docket No. SPO-127  
Serial No. 10/578,015

The Notice has also requested that the applicants comply with Sequence Disclosure Requirements under 37 CFR §1.821.

Accordingly, attached is an Amendment under 37 CFR 1.825(a) through (c) & Submission of Sequence Listing on paper and in Computer Readable Format Under 37 CFR §1.821 (disk).

Please charge the surcharge of \$130.00 for the late-filed Declaration (37 CFR 1.63) to Deposit Acct. No. 19-0065.

The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 19-0065. Two copies of this letter are enclosed.

Respectfully submitted,



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DRS/la

Attachments: Two copies of Transmittal Letter;  
Executed Declaration (37 CFR 1.63) and Power of Attorney form;  
Amendment under 37 CFR 1.825(a) through (c) & Submission of Sequence Listing  
under 37 CFR §1.821;  
Sequence Listing on paper and in computer readable format (disk); and  
Copy of Notification of Missing Requirements.

05/15/2007 MKAYPAGH 00000101 190065 10578015

01 FC:1617 130.00 DA



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,015	Hiroshi Tsuboi	SPO127

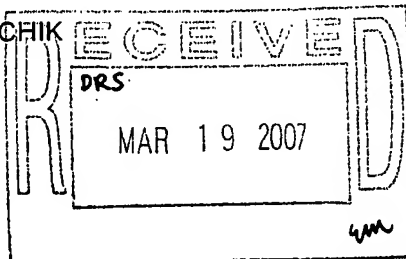
INTERNATIONAL APPLICATION NO.
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PCT/JP04/16330

I.A. FILING DATE	PRIORITY DATE
11/04/2004	11/04/2003

23557

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CONFIRMATION NO. 6720

371 FORMALITIES LETTER



\*OC000000022811028\*

Date Mailed: 03/09/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated /Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/03/2006
- English Translation of the IA filed on 05/03/2006
- Copy of the International Search Report filed on 05/03/2006
- Preliminary Amendments filed on 05/03/2006
- Information Disclosure Statements filed on 10/27/2006
- Oath or Declaration filed on 05/03/2006
- Biochemical Sequence Listing filed on 05/03/2006
- Request for Immediate Examination filed on 05/03/2006
- U.S. Basic National Fees filed on 05/03/2006
- Priority Documents filed on 05/03/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/578,015	PCT/JP04/16330	SP0127

FORM PCT/DO/EO/905 (371 Formalities Notice)